ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C.

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
	)	

TO: The Commission

COMMENTS OF THE COMPETITIVE TELECOMMUNICATIONS ASSOCIATION

Genevieve Morelli
Executive Vice President and
General Counsel
Competitive Telecommunications
Association
1140 Conn. Ave., N.W., Suite 220
Washington, D.C. 20036
(202) 296-6650

Robert J. Aamoth
Jonathan E. Canis
Reed Smith Shaw & McClay
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005
(202) 414-9200

Its Attorneys

October 31, 1996

SUMMARY

The Competitive Telecommunications Association ("CompTel") submits these comments in support of the general framework adopted by the Commission in the First Report and Order in CC Docket No. 96-98 for implementing the local competition provisions in the Telecommunications Act of 1996 ("1996 Act"). CompTel supports those petitioners who seek clarifications or refinements to make the Commission's framework work more effectively, while opposing those petitioners who seek modifications to subvert that framework.

CompTel supports the request that the Commission establish a usage option whereby new entrants can purchase tandem-switched transport as a combined network element at a single, per-minute rate pursuant to Section 251(c)(3). A usage option is consistent with the Commission's Total Element Long Run Incremental Cost methodology, and would prevent unreasonable discrimination between carriers purchasing dedicated and tandem-switched transport. CompTel also supports the request that the Commission require ILECs to provide a usage option for routing local traffic between any two ILEC end offices even when tandem switching is not involved.

CompTel supports imposing detailed, periodic reporting requirements on the ILECs so that the Commission and interested parties can monitor the ILECs' compliance with the Commission's policy requiring nondiscriminatory access to operations support systems functions, and so that new entrants can enter the local market more quickly. CompTel strongly opposes requests that the Commission postpone the compliance date by at least one year until January 1, 1998, or until the adoption of consensus national standards.

CompTel urges the Commission to apply a forward-looking, long run incremental cost methodology to the ILECs' non-recurring charges for circuit rollovers caused by the

purchase of network elements under Section 251(c)(3) and local exchange resale under Section 251(c)(4). The ILECs' current tariffed non-recurring charges are far above the cost of performing circuit rollovers for new entrants.

The Commission should not water down its rules for the computation of wholesale local exchange rates. The Commission correctly interpreted the statutory avoided cost standard, and it built sufficient flexibility into the state-by-state and ILEC-by-ILEC arbitration process to accommodate any showing that an ILEC may make regarding the proper wholesale rate for a service.

The Commission should reject attempts by the ILECs to exclude contract and other customer-specific offerings from the obligation to provide local exchange services at wholesale rates because the statutory language does not permit such exclusions.

CompTel strongly opposes the request that the Commission extend the access charge transition plan indefinitely. The acknowledged inconsistency between the plan and statutory directives governing the pricing of network elements precludes extending the plan. Further, extending the plan would violate the Court's decision in Competitive Telecommunications Ass'n v. FCC, 87 F.3d 522 (D.C. Cir. 1996), which directed the Commission to "move expeditiously" from interim to permanent, lawful transport rates.

The Commission should reject, as being contrary to the statutory language, the requests of state commissions to remove Section 208 authority regarding compliance by common carriers with the 1996 Act, and to remove the requirement that states approve agreements filed prior to February 8, 1996. The Commission also should reject the request that the Commission re-interpret Section 251(c)(2) to limit the ILECs' interconnection duty to new entrants seeking to route both telephone exchange and exchange access traffic.

TABLE OF CONTENTS

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C.

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
	)	

TO: The Commission

COMMENTS OF COMPETITIVE TELECOMMUNICATIONS ASSOCIATION

The Competitive Telecommunications Association ("CompTel"), by its attorneys, hereby submits these comments regarding the petitions for reconsideration of the Commission's First Report and Order (FCC 96-325) ("First Report") in the above-captioned proceeding.

Initially, CompTel would reiterate its broad support of the framework adopted by the Commission in the First Report for implementing the local competition provisions in the Telecommunications Act of 1996 ("1996 Act"). In adopting the rules and policies necessary to pry open the long-closed local exchange marketplace, the Commission generally adhered closely to the statutory language and Congressional intent. Particularly in light of the time constraints under which the Commission operated and the massive record created by the parties, the First Report is a remarkable achievement that establishes the regulatory policies necessary to facilitate competitive entry into all telecommunications markets. As a result, CompTel strongly opposes the petitions for reconsideration asking the Commission to retreat from its market-opening rules and policies. At the same time, CompTel supports those petitions which seek to clarify or refine the First Report to promote more effectively the goals of the 1996 Act as Congress and the Commission intended.

I. THE COMMISSION SHOULD ESTABLISH A USAGE OPTION FOR NEW ENTRANTS PURCHASING TRANSPORT AS A NETWORK ELEMENT

CompTel strongly supports the petition for clarification filed by WorldCom, Inc. ("WorldCom"), which asks the Commission to clarify that Section 251(c)(3) requires incumbent local exchange carriers ("ILECs") to provide tandem-switched transport as a combined network element pursuant to a usage option whereby the new entrant would pay the ILEC a single, per-minute rate for routing functionality between the end office and the serving wire center ("SWC"). Under the Total Element Long Run Incremental cost ("TELRIC") methodology established in the First Report, the costs which an ILEC may recover for transport as a network element do not vary based upon the number, placement and usage of access tandems. First Report at para. 685. Consistent with that methodology, the Commission should require ILECs to establish a usage option so that the rates paid by new entrants for transport will not vary based upon the ILEC's actual tandem office topography.

Further, the Commission's policy on the offering of combined network elements by ILECs logically requires a usage option for purchasing transport on a network element basis. The Commission required ILECs not only to provide network elements singly at individual rates, but to combine elements when requested to do so by new entrants. First Report at para. 294. The Commission stated that "[u]nder our method, incumbents must provide, as a single, combined element, facilities that could comprise more than one element." Id. at para. 295. As regards tandem-switched transport, new entrants are entitled to purchase the end office-to-tandem and tandem-to-SWC links separately under the Commission's rules. 47 C.F.R. § 51.509 (c), (d). Therefore, under the Commission's policy regarding combined elements, new entrants should be able to purchase end-to-end tandem-switched transport as a combined element at a single rate.

The Commission's access charge rules require ILECs to offer a usage option to carriers when they purchase tandem-switched transport as an interstate access service, 47 C.F.R. § 69.111, and CompTel submits that a similar usage option is essential for new entrants purchasing tandem-switched transport on a network element basis.

Lastly, a usage option for tandem-switched transport is necessary to prevent harmful discrimination against new entrants who must rely upon tandem-switched transport compared to larger carriers whose traffic volumes may justify purchasing dedicated transport. As WorldCom correctly points out (at page 5 & n.9), there is no longer any doubt that ILECs route both dedicated and tandem-switched transport over the same "shared" fiber optic facilities and frequently via the same tandem locations. In those circumstances, there is no justification for permitting large carriers to purchase dedicated transport as the functional equivalent of a combined network element at a single rate with airline mileage measured directly between the end office and the SWC, while forcing new entrants purchasing tandem-switched transport to buy two discrete network elements with airline mileage measured indirectly according to the actual routing of the traffic by the ILEC.

II. THE FCC SHOULD ESTABLISH A USAGE OPTION FOR ALL TRANSPORT OVER SHARED FACILITIES BETWEEN TWO ILEC END OFFICES

CompTel supports WorldCom's request (at page 6) for a clarification that ILECs must provide a usage option for routing between any two ILEC end offices even when there is no tandem switching involved. For a carrier to have a meaningful incentive to enter the local market through network elements under Section 251(c)(3), it must be able to route local traffic efficiently between any two ILEC end offices. For new entrants with smaller traffic volumes, the only efficient way to purchase transport between end offices is pursuant to a usage option on a

per-minute basis. If ILECs are able to force new entrants to purchase dedicated circuits for end office-to-end office routing, they can raise the costs of entry for smaller new entrants, or perhaps even defeat new entry altogether. Therefore, CompTel supports WorldCom's request that the Commission clarify its rules to require ILECs to offer a usage option for all end office-to-end office routing regardless of whether tandem switching is involved.

III. THE COMMISSION SHOULD IMPOSE REPORTING REQUIREMENTS ON ILECS FOR OPERATIONS SUPPORT SYSTEMS FUNCTIONS

CompTel strongly supports WorldCom's request (at pages 8-10) that the Commission establish reporting requirements for the ILECs concerning their obligation to provide non-discriminatory access to their operations support systems ("OSS") functions "as expeditiously as possible" and in no event later than January 1, 1997. First Report at para. 525; 47 C.F.R. § 51.321. The OSS requirement is absolutely critical to the ability of new entrants to compete in the local market pursuant to Section 251(c) as contemplated by Congress. In order for the Commission and interested parties to have sufficient information to monitor the ILECs' behavior and to accelerate new entry as much as possible, the Commission must impose a detailed, periodic reporting requirement upon the ILECs to implement its OSS policies.

The Commission should reject LECC's proposal (at pages 4-5) that the Commission extend the compliance date by at least one year to January 1, 1998. LECC has not made the compelling showing that would be necessary to support any significant relaxation of such a critical requirement. Similarly, CompTel opposes Sprint's suggestion (at pages 5-7) that the Commission postpone the requirement pending the adoption of consensus national standards. Making the ILECs' requirement contingent upon national standards would create an incentive for the ILECs to manipulate the standards process in an effort to establish standards with as little

concrete content as possible. To avoid harmful non-uniformity among ILECs, the Commission must take an active hand in implementing this requirement to ensure that it has the intended result of facilitating competition by new entrants against ILECs for local customers.

IV. THE COMMISSION SHOULD REQUIRE ILECS TO SET NON-RECURRING CHARGES AT FORWARD-LOOKING , LONG-RUN INCREMENTAL COSTS

In its petition for reconsideration, AT&T correctly notes (at 18-20) that the ILECs have not provided cost data supporting their current tariffed non-recurring charges ("NRCs") in connection with the purchase of network elements or local exchange resale pursuant to Section 251(c). Further, CompTel agrees with AT&T that when a new entrant purchases network elements under Section 251(c)(3) or local exchange resale under Section 251(c)(4), the circuit rollover process is largely software driven and does not require the types of physical activities (e.g., technician visits, installation of new plant) that the ILECs have tariffed their NRCs to reflect. The ILECs' NRCs obviously are far above the cost of circuit rollovers pursuant to Section 251(c), and CompTel urges the Commission to clarify that ILECs must establish NRCs consistent with forward-looking, long-run incremental costs. If ILECs are permitted to impose inflated NRCs upon new entrants seeking to enter the local market pursuant to Section 251(c), the ILECs will be able to deter or even defeat the kind of "efficient competition" that Congress adopted the 1996 Act to promote. First Report at paras. 1, 56 & 363.

V. THE COMMISSION SHOULD NOT MODIFY ITS RULES GOVERNING THE COMPUTATION OF AVOIDED COSTS

Several parties filed petitions arguing that the Commission's rules for the computation of wholesale local exchange rates are unreasonable because they define the category of avoided costs too broadly. In particular, LECC, NCTA and Time Warner argue that Sections

251(c)(4) and 252(d)(3) require the wholesale reduction to include only those costs that an ILEC actually avoids incurring. See LECC Petition at 26; NCTA Petition at 16; Time Warner Petition at 3-7. Time Warner further argues (at 7-13) that the Commission's decision to establish a rebuttable presumption that costs in several USOA accounts are "avoided costs" is unreasonable, hypothesizing several instances in which such costs may not actually be avoided. LECC asserts (at 26) that there is no "correct" way to allocate common costs, and appears to argue that ILECs should therefore be granted unfettered discretion to allocate such costs any way they wish. These arguments fail to identify any deficiency in the Commission's pricing rules on local exchange wholesale rates, and do not support any modifications to them.

Section 252(d)(3) requires the wholesale reduction to reflect "any marketing, billing, collection, and other costs that will be avoided by the local exchange carrier" in providing wholesale, as opposed to retail, services. The Commission's rules are fully consistent with that standard. The Commission has already addressed and rejected the ILECs' argument that avoided costs consist solely of those costs that the ILECs actually avoid incurring by offering wholesale local exchange service. First Report at para. 911. Regarding the inclusion of a portion of overheads in the category of avoided costs, the Commission neither required nor prohibited a uniform allocation factor, thereby providing states with the flexibility to conduct an ILEC-by-ILEC and service-by-service analysis to ensure that only wholesale costs are recovered through the ILECs' wholesale rates. Further, by establishing a rebuttable presumption that costs in certain USOA accounts are reasonably avoidable, the Commission properly placed the burden of proof on ILECs to identify the costs that will be avoided in providing wholesale services. Such a presumption is both reasonable and necessary because the ILECs control the relevant cost data and have the ability and incentive to inflate wholesale rates by overallocating costs to them. In

effect, the petitioners would reverse this burden by establishing a presumption that certain costs are not reasonably avoidable. However, that would unfairly burden state commissions and new entrants with identifying the ILECs' avoided costs, inevitably leading to above-wholesale rates in violation of Sections 251(c)(4) and 252(d)(3).

VI. CUSTOMER-SPECIFIC CONTRACTS SHOULD NOT BE EXCLUDED FROM THE WHOLESALE PRICING REQUIREMENT IN SECTION 251(C)(4)

CompTel strongly opposes LECC's request (at 2-3) that the Commission exclude contract and other customer-specific ILEC offerings from the obligation to provide local exchange services at wholesale rates pursuant to Section 251(c)(4). The Commission has already considered this issue fully, and LECC presents no basis for altering the Commission's holding that Section 251(c)(4) applies by its terms to "any telecommunications service" provided by an ILEC at retail, including contract and other customer-specific offerings. First Report at para. 948. LECC's belief that customer-specific offerings do not share the same avoided costs as other retail local exchange services does not entail a different result. Under the Commission's policies, ILECs are free to seek to demonstrate to a state commission that any particular retail service has fewer avoided costs and, therefore, requires a different wholesale reduction than other retail local exchange services.

VII. THE COMMISSION SHOULD NOT AND CANNOT LAWFULLY EXTEND THE ACCESS CHARGE TRANSITION PLAN

The Commission should reject LECC's request (at 12-13) that it extend the access charge transition plan indefinitely. In the First Report (at para. 720), the Commission held that the transition plan would extend no later than June 30, 1997. The Commission emphasized that it "can conceive of no circumstances under which the requirement that certain entrants pay the

CCLC or a portion of the TIC on calls carried over unbundled network elements would be extended further." Id. at para. 725. Arguing that the June 30, 1997 deadline is arbitrary and "needlessly aggressive," LECC has asked that the transition plan be extended indefinitely to ensure that the ILECs' revenue flows are not disrupted.

Initially, CompTel believes that the transition plan is contrary to the requirement that network element rates reflect the "cost" of providing network elements, as specified in Section 252(d)(1)(A), and that the Commission's adoption of the plan is arbitrary, capricious, unsupported by evidence, and otherwise unlawful. As a result, CompTel filed a petition for review challenging the transition plan, and its appeal is now proceeding before the U.S. Court of Appeals for the Eighth Circuit in Iowa Utilities Board v. FCC, Nos. 96-3321, et al. Assuming for the sake of argument that the transition plan is lawful, there are compelling reasons why the Commission should not extend the plan indefinitely as requested by LECC. In adopting the plan, the Commission stressed that "it is imperative that this transitional requirement be limited in duration." First Report at para. 725. The Commission would not have adopted any plan at all without a firm termination date, thereby undercutting LECC's request for an extended interim period.

In addition, the Commission recognized that the transition plan was a departure from the Congressional directive that network element rates should recover solely the "cost" of providing network elements without reflecting any other charges, including interstate or intrastate access charges, on top of applicable network element rates. First Report at para. 726. Similarly, the transition plan is contrary to the Commission's interpretation of the 1996 Act to prohibit the inclusion of universal service subsidies in network element rates. Id. at para. 712 Highlighting this tension between the transition plan and the 1996 Act, there is virtually no record evidence

showing that the CCLC and TIC actually subsidize universal service, only unconfirmed speculation. First Report at para. 718. Given LECC's failure to present any additional evidence regarding the extent to which CCLC and TIC revenues contain universal service support flows, extending the transition plan indefinitely would increase the tension between the plan and the statutory scheme beyond the breaking point.

Lastly, the Commission would violate the recent decision by the U.S. Court of Appeals for the District of Columbia Circuit in Competitive Telecommunications Association v. FCC, 87 F.3d 522 (D.C. Cir. 1996), were it to extend the transition plan. In that case, the Court declared the TIC to be unlawful and directed the Commission to "move expeditiously to a cost-based alternative . . . or provide a reasoned explanation why a departure from a cost-based system is necessary and desirable." Id., 87 F.3d at 526. In striking down the TIC, the Court rejected the Commission's defense of the charge as "interim" in nature, in part due to the continuous series of "interim" transport rates that the Commission has approved or permitted to take effect extending back to 1983. Id., 87 F.3d at 531. That the Commission responded to the Court's order by establishing yet another "interim" access charge plan is itself questionable. If the Commission were to extend that interim plan indefinitely, it would unquestionably violate the spirit and letter of the Court's decision.

VIII. THE FCC DID NOT ERR BY REQUIRING ILECS TO SUBMIT INTERCONNECTION AGREEMENTS SIGNED PRIOR TO THE 1996 ACT

The Public Service Commission of Wisconsin ("PSCW") argues in its petition for reconsideration (at 2-4) that the Commission should abjure its interpretation of Section 252(a)(1) to require ILECs to disclose and submit for state approval by June 30, 1997 the rates and terms of interconnection agreements that were established prior to February 8, 1996. The PSCW supports

its request by seeking to distinguish between agreements that were "entered" and those that were merely "negotiated" prior to the 1996 Act. The PSCW concedes that its new reading of the 1996 Act conflicts with its previous interpretation, which was consistent with that promulgated by the Commission in the First Report.

Initially, it should be emphasized that the PSCW does not dispute the Commission's interpretation that all interconnection agreements negotiated prior to the effective date of the 1996 must be filed with state commissions no later than June 30, 1997. Rather, the PSCW argues that approval is required only for agreements which are both negotiated and "enter[ed]", which the PSCW interprets to exclude all agreements consummated prior to February 8, 1996. CompTel opposes the PSCW's new interpretation of Section 252(a)(1). The PSCW has not pointed to any congressional intent to make a distinction between agreements which have been negotiated and those which have been entered. Further, the most natural reading of the term "enter into" is simply to refer to an agreement which the parties have formally executed. Because pre-Act agreements have been "entered into" in the same manner as post-Act agreements, there is no basis for the PSCW's proposal to limit state approval to post-Act agreements. Further, CompTel submits that it would be contrary to the statutory scheme to permit carriers to implement pre-Act agreements without state approval. If those agreements would not survive the approval process without modification, then it is contrary to the public interest to permit them to remain in effect on an ongoing basis. If those agreements would survive the approval process intact, then there is no significant harm in requiring such agreements to go through that process. Therefore, the Commission should reject the PSCW's request for an unduly narrow interpretation of Section 252(a)(1).

IX. THE COMMISSION CORRECTLY INTERPRETED SECTION 251(C)(2) TO APPLY TO EXCHANGE SERVICE, EXCHANGE ACCESS, OR BOTH

The Public Utility Commission of Texas ("PUCT") filed a petition for reconsideration arguing (at pages 11-13) that the Commission's interpretation of Section 251(c)(2) permits long distance carriers to "bypass the payment of access charges." In particular, it argues that the Commission incorrectly interpreted the requirement in Section 251(c)(2) -- that ILECs must enter into interconnection agreements for "the transmission and routing of telephone exchange service and exchange access" -- to require ILECs to offer either exchange service, exchange access, or both. First Report at para. 184. The Commission fully considered that issue in the First Report (at paras. 184-85), and correctly rejected the position now advocated by the PUCT. CompTel demonstrated in its comments (at pages 62-64) that well-established precedent supports the Commission's reading of the term "and" in Section 251(c)(2) to mean "and/or." It would deter new entry contrary to Congress' intent to limit the interconnection obligation in Section 251(c)(2) to those new entrants who desire the ILEC to route both telephone exchange and exchange access.

X. THE COMMISSION CORRECTLY FOUND THAT IT RETAINS ENFORCEMENT AUTHORITY UNDER SECTION 208

The PUCT also argues (at pages 8-11) that the Commission may not take enforcement action under Section 208 of the Communications Act that is inconsistent with the arbitration decision of a state commission. However, the Commission's decision upholding its Section 208 authority stems from the Congress' straight-forward statement in Section 601(c)(1) that the 1996 Act shall not be construed to "modify, impair or supersede" existing federal law, including Section 208, unless the Act does so expressly. First Report at para. 126. As there are

no express restrictions upon the Commission's enforcement authority under Section 208, there is no statutory basis for questioning the Commission's affirmation of its continuing enforcement authority under Section 208. Further, as the Commission pointedly noted, its Section 208 authority would not involve direct review of a state commission's arbitration decision. Id. at para. 128. Rather, according to its terms, Section 208 authorizes the Commission to determine whether the actions or omissions of a common carrier are in accord with the Communications Act. Therefore, Section 208 is not inconsistent with a state commission's authority under the 1996 Act, there is no reason to adopt the restrictive interpretation advanced by the PUCT.

Respectfully submitted,

Competitive Telecommunications Association

By: _____

Robert J. Aamoth
Jonathan E. Canis
Reed Smith Shaw & McClay
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005
(202) 414-9200

Its Attorneys

Genevieve Morelli
Executive Vice President and
General Counsel
Competitive Telecommunications
Association
1140 Conn. Ave., N.W., Suite 220
Washington, D.C. 20036
(202) 296-6650

October 31, 1996

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing **"Comments of the Competitive Telecommunications Association"** to be served on this 31st day of October, 1996, by U.S. mail, first class postage, upon the persons named on the attached list.

Regina Keeney, Chief*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

A. Richard Metzger, Jr.*
Deputy Bureau Chief, Operations
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

James Schlichting, Chief*
Competitive Pricing Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Richard Welch*
Chief Policy Division
Common Carrier Division
Federal Communications Commission
1919 M Street, N.W., Room 544
Washington, D.C. 20554

Linda L. Agerter
Shirley A. Woo
Pacific Gas and Electric Company
Law Department, B30A
Post Office Box 7442
San Francisco, CA 94120

David W. Carpenter
David Lawson
Sidley & Austin
One First National Plaza
Chicago, IL 60603

Leon M. Kestenbaum
Jay C. Keithley
Richard Juhnke
1850 M Street, N.W.
Washington, D.C. 20036

Mark C. Rosenblum
Roy E. Hoffinger
Stephen C. Garavito
Richard H. Rubin
295 N. Maple Avenue
Basking Ridge, NJ 07920

Cheryl L. Parrino
Michael S. Varda
Telecommunications Division
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

William F. Maher, Jr.
David Colton
Halprin, Temple, Goodman & Sugrue
1100 New York Avenue, N.W.
Suite 650 East
Washington, D.C. 20005

---

* Served by hand

Pat Wood, III
Robert W. Gee
Judy Walsh
Public Utility Commission of Texas
7800 Shoal Creek Blvd.
Austin, Texas 78757

Daniel L. Brenner
Neal M. Goldberg
David L. Nicoll
1724 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Steven J. Del Cotto
Duquesne Light Company
411 Seventh Avenue, 16-006
P.O. Box 1930
Pittsburgh, PA 15239-1930

Todd F. Silbergeld
SBC Communications Inc.
1401 I Street, N.W.
Suite 1100
Washington, D.C. 20005

Ellyn Crutcher
Consolidated Communications
Telecom Services Inc.
121 South 17th Street
Mattoon, IL 61938

Carrie P. Meek
Member of Congress
Congress of the United States
House of Representatives
404 Cannon House
Office Building
Washington, D.C. 20515

Howard J. Symons
Christopher J. Harvie
Sara F. Seidman
Gina M. Spade
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004

Walter Steimel, Jr.
Marjorie K. Conner
Hunton & Williams
1900 K Street, N.W.
Washington, D.C. 20006

John H. O'Neill, Jr.
Norman J. Fry
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037-1128

Teresa Marrero
Teleport Communications Group Inc.
Two Teleport Drive
Staten Island, NY 10311

Werner K. Hartenberger
Laura H. Phillips
J.G. Harrington
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

Dale G. Stoodley
Joanne M. Scanlon
Delmarva Power & Light Company
800 King Street, P.O. Box 231
Wilmington, Delaware 19899

Dave Weldon
Member of Congress
Congress of the United States
House of Representatives
216 Cannon House Office Building
Washington, D.C. 20515

Timothy R. Graham
Robert G. Berger
Joseph Sandri
WinStar Communications, Inc.
1146 19th Street, N.W.
Washington, D.C. 20036

Jonathan Jacob Nadler
Brian J. McHugh
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044

David L. Swanson
Edison Electric Institute
701 Pennsylvania Avenue
Washington, D.C. 20004

Carl W. Northrop
Christine M. Crowe
Paul, Hastings, Janofsky &
Walker LLP
1299 Pennsylvania Avenue, N.W.
Tenth Floor
Washington, D.C. 20004-2400

Anthony Marquez
State of Colorado
1580 Logan Street, OL2
Denver, CO 80203

Leonard J. Kennedy
Peter A. Batacan
Raymond G. Bender
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

Anthony C. Epstein
Donald B. Verrilli, Jr.
Jodie L. Kelley
Jenner & Block
601 13th Street, N.W.
Washington, D.C. 20005

Jeffrey L. Sheldon
Sean A. Stokes
UTC
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036

Paul H. Kuzia
Arch Communications Group, Inc.
1800 West Park Drive
Suite 350
Westborough, MA 01581

Mark A. Stachiw
AirTouch Paging
Three Forest Plaza
12221 Merit Drive
Suite 800
Dallas, TX 75251

Michael F. Altschul
Randall S. Coleman
Cellular Telecommunications Industry
Association
1250 Connecticut Avenue, N.W
Suite 200.
Washington, D.C. 20036-3384

James Baller
Lana Meller
The Baller Law Group
1820 Jefferson Place, N.W.
Suite 200
Washington, D.C. 20036

Russell D. Lukas
Lukas, McGowan, Nace &
Gutierrez, Chartered
1111 19th Street, N.W.
Suite 1200
Washington, D.C. 20036

John D. McMahon
Mary L. Krayeske
Consolidated Edison Company
of New York, Inc.
4 Irving Place - Room 1815-S
New York, N.Y. 10003

Shirley S. Fujimoto
Christine M. Gill
Thomas J. Navin
McDermott, Will & Emery
1850 K Street, N.W.
Suite 500
Washington, D.C. 20006

Timothy R. Graham
Robert G. Berger
Joseph Sandri
WinStar Communications, Inc.
1146 19th Street, N.W.
Washington, D.C. 20036

Mitchell F. Brecher
Fleischman and Walsh, L.L.P.
1400 Sixteenth Street, N.W.
Washington, D.C. 20036

Richard J. Metzger
Emily M. Willams
Association for Local Telecommunications
Services
1200 19th Street, N.W.
Suite 560
Washington, D.C. 20036

Thomas J. Keller
Kathy D. Smith
Verner, Liipfert, Bernhard,
McPherson & Hand, Chtd.
901 - 15th Street, N.W.
Suite 700
Washington, D.C. 20005

Michael S. Verda
Public Service Commission of
Wisconsin
610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Andrew D. Lipman
Russell M. Blau
Dana Frix
Anthony R. Petrilla
Swidler & Berlin, Chtd.
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007

Ellyn Crutcher
Consolidated Communications
Telecom Services Inc.
121 South 17th Street
Mattoon, IL 61938

Jesse A. Dillon
Pennsylvania Power & Light Company
Two North Ninth Street
Allentown, PA 18101-1179

Linda L. Agerter
Shirley A. Woo
Pacific Gas and Electric Company
Law Department, B30A
Post Office Box 7442
San Francisco, CA 94120

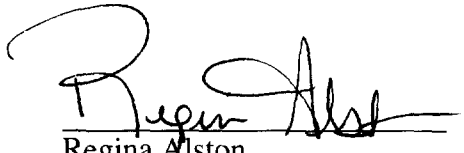
Daniel S. Goldberg
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, D.C. 20036

Lisa B. Smith
Don Sussman
Larry Fenster
Christopher Frentrup
Alan Buzacott
Kimberly Kirby
MCI Telecommunications Corp.
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Kathy L. Shobert
General Communication Incorporated
901 15th Street, N.W.
Suite 900
Washington, D.C. 20005

Ralph Miller
Kalida Telephone Company, Inc.
121 E. Main Street, Box 267
Kalida, OH 45853

Joane Salvatore Bochis
National Exchange Carrier
Association, Inc.
100 South Jefferson Road
Whippany, N.J. 07981



Regina Alston